

Charlotte Transitional Grant Area Ryan White Planning Body Bylaws
Established June 2018

Article I: Name and Establishment

Section 1. The name shall be the Charlotte Transitional Grant Area Ryan White Planning Body, hereafter referred to as the "Planning Body."

Section 2. The Planning Body shall conduct its activities in accordance with the provisions, interpretations, and recommendations of the Health Resources and Services Administration (HRSA) and Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services, and with all applicable local, state, and federal laws and regulations.

Section 3. The Planning Body shall be established by the Mecklenburg County Board of County Commissioners Chair, acting as the Chief Elected Official (CEO) of the Charlotte Transitional Grant Area (CTGA). The CEO shall be the Recipient of awards made available through the Public Health Service Act, Title XXVI and amendments, hereafter referred to as the "Ryan White HIV/AIDS Program."

Section 4. The CEO and the CEO's designee shall monitor, identify support for, and be apprised of the activities of the Planning Body through the elected and appointed Co-Chairs of the Planning Body and the staff of the Ryan White Program under the supervision of the Public Health Director of Mecklenburg County, who is the acting CEO's designee.

Section 5. Mecklenburg County Health Department's Ryan White Program shall act as administrative agent of the Planning Body in administering Ryan White HIV/AIDS Program funds in accordance with Planning Body priorities and allocations, and shall be accountable to the Planning Body in rapidly allocating funds to the areas of greatest need.

Article II: Purpose

Section 1. The Planning Body shall develop and implement needs assessment activities to document the healthcare, prevention, and social service needs of people living with and at risk for HIV/AIDS in CTGA.

Section 2. The Planning Body shall establish priorities, allocate Ryan White HIV/AIDS Program Part A funds, and provide guidance on how best to carry out service delivery, based on:

- a. documented need;
- b. cost and outcome effectiveness of proposed strategies and interventions;
- c. input from the HIV-positive and at-risk communities; and
- d. availability of other governmental and non-governmental resources.

Section 3. The Planning Body shall assess the efficiency of the administrative mechanism of the Recipient in rapidly allocating Ryan White HIV/AIDS Program Part A funds to the areas of greatest need within the CTGA consistent with established priorities, allocations, and instructions.

Section 4. The Planning Body shall assess the effectiveness of the services supported by Ryan White HIV/AIDS Program Part A funds in meeting the identified needs through methods as determined by the Planning Body.

Section 5. The Planning Body shall develop and adopt an integrated comprehensive plan for the organization and delivery of Ryan White HIV/AIDS Program Part A and CDC prevention services that is compatible with other local, regional, and state plans.

Section 6. The Planning Body shall review the integrated comprehensive plan to determine whether prevention resources are being allocated to the areas of greatest need. The Planning Body shall then submit a letter of concurrence, concurrence with reservations, or non-concurrence to the CDC.

Section 7. The Planning Body shall participate in the development of the Statewide Coordinated Statements of Need (SCSN) for North Carolina and South Carolina in their respective administrations of Ryan White HIV/AIDS Program Part B and prevention program funds.

Section 8. The Planning Body shall establish methods of obtaining input on community needs and priorities from the HIV-positive and at-risk communities that may include public meetings, focus groups, and ad hoc panels, among other methods.

Article III: Membership

Section 1. The Planning Body shall consist of no more than thirty (30) and no fewer than twenty (20) members and shall reflect in its composition the demographics of the HIV epidemic in the CTGA with particular consideration given to disproportionately affected and historically underserved subpopulations. The Planning Body shall strive to ensure parity, inclusion, and representation.

Section 2. The Planning Body membership shall be consistent with the Ryan White HIV/AIDS Program Part A and accompanying regulations and guidances including, but not limited to, at least one representative from each of the following legislatively mandated categories:

- a. healthcare providers including Federally Qualified Health Centers (FQHCs)
- b. community-based organizations (CBOs)/AIDS service organizations (ASOs)
- c. social service providers (including homelessness service providers)
- d. mental health providers
- e. substance use providers
- f. local public health agencies
- g. members of a federally recognized Indian tribe as represented in the population
- h. individuals co-infected with hepatitis B or C
- i. hospital planning agencies or healthcare planning agencies
- j. affected communities, including people with HIV and historically underserved subpopulations
- k. non-elected community leaders
- l. state Medicaid agencies
- m. state Part B agencies
- n. Part C
- o. Part D
- p. other federal HIV programs (including HIV prevention service providers)
- q. representatives of formerly incarcerated federal, state, or local prisoners who were released during the preceding three (3) years

Section 3. It shall be the goal of the Planning Body that a minimum of fifty percent (50%) of the voting members are people with HIV and that, among members with HIV, at least thirty-three percent (33%) are unaligned, meaning they have no consulting, employment, or fiduciary relationship with the Recipient or any sub-Recipient agency that receives Part A funds.

Section 4. The CEO's designee shall have responsibility for final appointment of all members to the Planning Body following a written open Membership process that includes:

- a. publicized criteria for membership;
- b. review of applications and subsequent recommendations of candidates by the Membership Workgroup;
- c. conflict of interest standards; and
- d. a mechanism for filling vacancies.

Section 5. Any member may resign from membership by written or other form of notice to the Ryan White Planning Body Administrator.

Section 6. Termination of Membership.

- a. A Planning Body member will be removed for being absent without being excused from three consecutive, regularly scheduled meetings or five total absences from such meetings within a calendar year. Exception may be given to individuals in violation of this policy who address their situation to the Membership Workgroup in person.
- b. If the CEO or the CEO's designee determines that a member has failed to perform her/his responsibilities as described in these bylaws (i.e., attending meetings, workgroup participation) or has engaged in conduct which has interfered with or would interfere with the work or reputation of the Planning Body or Mecklenburg County or otherwise adversely affect its interests, then, the CEO or the CEO's designee may, by written notice to the member, terminate membership for cause.
- c. The Planning Body may recommend to the CEO or the CEO's designee that any member be removed from membership for cause, requiring a two-thirds (2/3) vote of the members at any regularly scheduled meeting of the Planning Body with no fewer than seven (7) days' prior notice.

Section 7. Members are appointed for terms of two years. Members may serve up to three consecutive two-year terms, with a one-year break before reapplying.

Section 8. A Planning Body member will be considered excused for a regularly scheduled Planning Body meeting if:

- a. The member contacts the Ryan White Planning Body Administrator sometime before the meeting, or contacts staff within three (3) business days following the Planning Body meeting if they have a health-related reason for not being able to attend. Exceptions to the above are to be determined at the discretion of the Membership Workgroup; members must address the Membership Workgroup in person or in writing for an exception to be considered.
- b. Leaves of absence should be submitted in writing to the Ryan White Planning Body Administrator regardless of reason. Leave of absence would not exceed 90 days with only one leave of absence

per one term (term=2 years). Any absence over 90 days would remove the individual from the Planning Body, to which they could reapply.

Article IV: Officers

Section 1. The Planning Body shall be chaired by two Co-Chairs. At least one Co-Chair shall be HIV-positive, and at least one Co-Chair shall represent the HIV service system. No Co-Chair shall be an employee of Mecklenburg County, but may be an employee of an agency that is a Part A subrecipient.

- a. The Co-Chair positions shall be elected biannually by members and shall serve terms of two years, which will be staggered.
- b. The Co-Chairs shall facilitate regular and special meetings of the Planning Body.
- c. Co-Chairs shall serve as spokespersons for the Planning Body, with prior Body approval, set meeting agendas in collaboration with support staff and with input from Body members, and lead Executive Workgroup meetings.

Section 2: The Co-Chairs shall be assisted by a Secretary. The Secretary shall not be an employee of Mecklenburg County, but may be an employee of an agency that is a sub-Recipient of Part A funds.

- a. The Secretary position shall be elected biannually by members and shall serve a term of two years.
- b. The Secretary shall work in conjunction with the Ryan White Planning Body Administrator to document and distribute an accurate record of minutes, agendas, and other supporting documents to the Planning Body.
- c. The Secretary shall facilitate regular and special meetings of the Planning Body, in the absence of both Co-Chairs.

Article V: Meetings

Section 1. The quorum of the Planning Body shall be half (1/2) plus one of the membership of which at least thirty-three percent (33%) shall be unaligned consumers. A quorum must be present to conduct any regular or special meetings of the Planning Body. Absentee and proxy votes shall not be considered.

Section 2. The rules of parliamentary procedure as set forth in Robert's Rules of Order, shall govern all meetings of the Planning Body, its workgroups, and any additional working groups. The Planning Body shall strive for consensus in its deliberations.

Section 3. All voting members shall have one vote except for the presiding Co-Chair(s), who may only vote in the case of a tie vote.

Section 4. The Planning Body shall meet regularly at least six times annually and meetings shall be open to the public. Special meetings may be called by agreement of the Co-Chairs or by written endorsement of one-third (1/3) of the membership of the Planning Body with notice provided to the Ryan White Planning Body Administrator. Notice of special meetings shall be made at least seven days in advance of the meeting, along with the meeting agenda, to the maximum extent possible.

Section 5. The Planning Body acknowledges that public participation at Planning Body meetings provides necessary input on matters of concern to the community and contributes to effective community

planning. To this end, the Planning Body shall establish a designated period at the beginning of regular Planning Body meetings to allow the general public to address the Planning Body with issues related to the Body's legislative mandate as stated in the Public Health Service Act, Title XXVI. Additional time for Public Comment may also be allowed after deliberations on any Action Item prior to a vote on the item, as called for by the Co-Chair(s).

Up to fifteen minutes shall be reserved for members of the public to speak. No speaker shall be allowed longer than five minutes, and depending on the number of speakers, the amount of time allocated to each speaker may be less than five minutes. The Co-Chairs have the discretion to extend this period of Public Comment, or to suggest issues/items be considered under another agenda item, such as New Business or under an Action Item, if the issue requires further consideration by the Planning Body members. The Co-Chair(s) may also permit Public Comment, at their discretion, at any other time during the meeting.

When the Co-Chair(s) use(s) their discretion in the matter of Public Comment, they shall clearly articulate their reasons for doing so. For example, if the Co-Chair would like to limit an individual's time to speak or to increase the amount of time allowed for Public Comment, then they must explain to those in attendance why such an action is being taken.

A member of the public must be acknowledged by the Co-Chairs to address the Planning Body. During this period of Public Comment, the general public may address the Planning Body with comments and/or questions. However, the Co-Chair(s) and Planning Body members are not obligated to address the concerns or questions raised at that time. The Chair(s) may direct the person making the public comment to address the matter with the appropriate party at a later time, i.e. the Ryan White Planning Body Administrator, a Workgroup Co-Chair, etc.

At any meeting of the Planning Body, the Chair(s) may give speaking priority to members of the Planning Body during the discussion and deliberation of all Action and Discussion Items before the Planning Body, considering the members of the public are afforded the opportunity to address the Planning Body during the Public Comment period(s) at that meeting.

Article VI: Code of Conduct

Section 1. All persons attending Planning Body meetings will be treated with respect, recognizing that each person brings unique and valuable experiences, views, and expertise to the Planning Body. All persons attending any meeting of the Planning Body or one of its workgroups are entitled to participation as discussed in the bylaws. However, if any person, regardless of Planning Body membership, is called out of order by the Planning Body or Workgroup Co-Chair(s) during a meeting, the following actions shall be taken to restore order to the meeting:

- a. First incident: The disruptive person(s) is called out of order by the Co-Chair(s).
- b. Second incident: The disruptive person(s) is put on notice that they are out of order.
- c. Third incident: The Co-Chair(s) shall call a five-minute recess of the meeting.
- d. Fourth incident: The Co-Chair(s) shall ask the disruptive person to leave the meeting.

Article VII: Workgroups

Section 1. The workgroups of the Planning Body shall be the Executive Workgroup, the Membership Workgroup, and the Needs Assessment Workgroup. These workgroups are responsible for the following:

- a. The Executive Workgroup is comprised of the Co-Chairs and Secretary of the Planning Body and the Chairs and/or Co-Chairs of each of the workgroups of the Planning Body. It shall oversee and coordinate:
 - Planning Body operations and support, including sharing of information between the Planning Body, Mecklenburg County, and other entities as appropriate,
 - the annual assessment of the efficiency of the administrative mechanism,
 - directives given to the Recipient from the Planning Body,
 - all grievances brought to the Planning Body, in conjunction with the Recipient's office.
- b. The Membership Workgroup is comprised of Planning Body members. It shall:
 - develop strategies for recruiting new members,
 - review membership applications, conduct interviews, and recommend candidates for membership on the Planning Body,
 - support new member orientation sessions and other trainings, and other activities as assigned by the Planning Body, and
 - work with members at-risk for removal for non-attendance to determine the reason for their non-attendance, develop a plan to improve the member's attendance, and if necessary, recommending removal of the member to the Executive Workgroup.
- c. The Needs Assessment Workgroup is comprised of Planning Body members. It shall work closely with the Recipient's office to:
 - identify service needs in the TGA by conducting needs assessments in collaboration with the Planning Body, Ryan White staff, and participating subrecipients,
 - plan and oversee the process of priority setting and resource allocation of Part A funds,
 - develop and monitor progress on the Integrated HIV Prevention and Care Plan, and
 - develop and review annually service standards for each funded service categories.

Section 2. The quorum of each workgroup shall be half (1/2) plus one of the membership of which at least thirty-three percent (33%) shall be unaligned consumers. A quorum must be present to conduct any regular or special meetings of the workgroup. Absentee and proxy votes shall not be considered.

Section 3. The rules of parliamentary procedure as set forth in Robert's Rules of Order shall govern all meetings of the workgroups. The workgroup shall strive for consensus in its deliberations.

Section 4. Each workgroup shall establish appropriate meeting schedules.

Section 5. A workgroup member will be removed from Planning Body membership for being absent without being excused prior to the meeting from three consecutive, regularly scheduled workgroup meetings or five total absences from such meetings within a calendar year. Exception may be given to individuals in violation of this policy who address their situation to the Membership Workgroup in person.

Section 6. Each workgroup shall elect Chairs or Co-Chairs as appropriate.

Section 7. From time to time, working groups may be established by the Planning Body to address specific issues. Working groups shall operate under the rules established for workgroups.

Article VIII: Management and Operations

Section 1. The Planning Body shall be supported by the Ryan White Planning Body Administrator, who shall provide day-to-day management of activities of the Planning Body and its workgroups, administer the Planning Body support budget, and support the Planning Body, its workgroups, and its members with training, planning, and other administrative supports, and to ensure compliance with local, state, and federal laws and regulations.

Section 2. Neither the Ryan White Planning Body Administrator, nor any staff of the Recipient's office, shall have voting authority on the Planning Body or its workgroups, and neither shall serve as spokespersons for the Planning Body.

Article IX: Record Keeping

Section 1. Minutes of each Planning Body meeting shall be documented by the Secretary and certified by the Co-Chairs. The minutes shall be public record and shall be made available as soon as possible after the meeting. This does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personal matters.

Section 2. The records, reports, transcripts, minutes, agenda, and other supporting documents made available for or prepared by the Planning Body shall be available for public inspection and copying at the Ryan White Program office.

Section 3. The records, reports, transcripts, minutes, agenda, and other supporting documents shall be kept on file for five (5) years following the grant year.

Section 4. The Planning Body shall ensure that all record keeping is in accordance with local, state, and federal guidelines.

Article X: Grievance Procedures

Section 1. It shall be the policy of the Planning Body to attempt to resolve grievances through informal dispute resolution.

Section 2. Grievances may be filed with the Planning Body only for either of the following:

- a. deviations from an established, written priority-setting or resource allocation process; or
- b. deviations from an established, written process for any subsequent changes to priorities or allocations.

Section 3. Only individuals or entities directly affected by the outcome of a decision related to funding as defined above are eligible to bring a grievance including providers eligible to receive Part A funds, consumer groups, and other affected entities and individuals.

Section 4. The Ryan White Planning Body Administrator shall make available upon request a full description of the Planning Body's grievance procedures including procedures for submitting grievances.

Article XI: Conflict of Interest

Section 1. The Planning Body shall have no role in determining the specific agencies or organizations with whom the Recipient, its fiscal agents, or other designees may contract for the delivery of services utilizing Ryan White HIV/AIDS Program Part.

Section 2. The rules contained in this section apply to all members, members of workgroups, working groups, task forces and technical Planning Bodys, staff members, contractors and consultants to the Planning Body, and all of whom shall be referred to as Planning Body for the purposes of this section.

- a. No Planning Body member shall use her/his relationship with the Planning Body for private gain.
- b. Whenever any matter arises with respect to which a Planning Body member either has a conflict of interest or has any question about the existence of a conflict, s/he shall verbally make a full disclosure of such conflict or possible conflict to the members in attendance before discussion.
- c. Persons who have conflicts of interest as defined herein may participate in the discussion in question but shall not vote on that matter.
- d. For the purposes of this paragraph, conflict of interest shall be defined as a direct financial or fiduciary interest, which shall include, without limitation, ownership, employment, contractual, creditor, or consultative relationship to, or Board membership in, an entity or individual, or in a substantial affiliate of such an entity including any such interest that existed at any time for 12 months preceding the vote, with respect to which a vote is to be taken. This shall not preclude such member from voting on matters affecting multiple entities or individuals including the one in which s/he has an interest. Such a member shall not, however, vote on a matter affecting only the particular entity or individual in which s/he has an interest.

Section 3. A member's receipt of Ryan White HIV/AIDS Program Part A funded services is not to be construed, in and of itself, as a conflict of interest.


Article XII: Amendments

Section 1. These bylaws may be amended by the Planning Body at any regular meeting by a two-thirds (2/3) vote of those voting members present.

Section 2. Amendments to these bylaws shall be made only after members have been given thirty (30) days written notice of proposed amendments.


Bylaws Ratification

These Bylaws ratified by a two-thirds (2/3) majority vote of the quorum of the Charlotte Transitional Grant Area Ryan White Planning Body on June 20, 2018 (Date).

Co-Chairperson:  Date: 6/20/18

Co-Chairperson:  Date: 6/20/18

Secretary: _____ Date: _____

Planning Body Administrator:  Date: 6/20/18

Recipient:  Date: 6/20/18

CEO's Designee:  Date: 6.29.18

**Charlotte Transitional Grant Area Ryan White Planning Body
Appendix I: Grievance Form**

Please select the type of grievance below:

- ☐ Deviations from an established, written priority-setting or resource allocation process
- ☐ Deviations from an established, written process for any subsequent changes to priorities or allocations

Name _____

Relationship to Ryan White Planning Body _____

Phone/Email _____

Please complete the following questions and attach documents that support your statements.

1. What decision, action or policy has had an adverse impact on you?

2. On what basis is the action wrong or unfair?

3. What do you recommend should be done to resolve this issue?

Signature _____ Date _____

Please return your completed form to Kayla Earley, Ryan White Planning Body Administrator:

Kayla.Earley@MecklenburgCountyNC.gov (Do not send confidential information via email.)

ATTN: Kayla Earley

Ryan White Program

618 N. College St.

Charlotte, NC 28202